SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

Promoting the wise use of land – Helping to build great communities

DATE: FEBRUARY 26, 2015

TO: PLANNING COMMISSION

FROM: JAMES CARUSO, SENIOR PLANNER

SUBJECT: CONTINUED HEARING to consider a request by the **COUNTY OF SAN LUIS OBISPO** to amend portions of the following documents in order to encourage the development of certain renewable energy projects in the most suitable locations in unincorporated inland areas of the county through a Renewable Energy Streamlining Program (RESP): 1) Framework for Planning (Inland), Part I of the Land Use and Circulations Elements (LUCE) of the County General Plan; 2) the Carrizo, North County, San Luis Obispo, and South County Area Plans, Part II of the LUCE; 3) the Official Maps, Part IV of the LUCE; 4) the Conservation and Open Space Element of the County General Plan; 5) the Land Use Ordinance, Title 22 of the County Code; and 6) the Rules of Procedure to Implement the California Land Conservation Act of 1965.

RECOMMENDATION

Continue your Commission's review of the RESP.

REVIEW OF THE RESP

Your Commission started your detailed review of the proposed revisions to the Land Use Ordinance at your hearing of January 22, 2015. You completed your review of the new development standards in the RE combining designation (Section 22.14) and can start with Section 22.32 standards. The following is a summary of the changes to the LUO starting on Page 17 of Attachment 4. The summary is based on the Section numbers that reflect a new numbered section of the ordinance.

Section 14 and 15– Add allowance for solar facility on cluster subdivision open space parcel up to 3 acres (accessory definition).

Sections 16 and 17 – Start of Section 22.32 addressing energy generation Renames Electric Generating Plants to *Energy Generating Facilities* to be inclusive of all uses.

Section 18 – Exempts previously approved projects. Sets standards for zoning clearance approval of accessory solar facilities.

Section 19 – Establishes permit levels on pages 20 – 25 for all energy generating uses including solar. Page 25 (sub section B) starts the application content requirements for all energy generating uses many of which are in the existing ordinance.

Section 20 – Establishes development standards and general requirements for all energy generating uses; energy generating uses needing a discretionary permit and ground mounted energy generating facilities.

Section 21 – Establishes permit requirements for tiers 1-4 for solar electric facilities outside RE designation, development standards such as heights, setbacks, non-reflective material and lighting.

Section 22 – Wind Energy Conversion Systems (WECS) permit requirements, setbacks, heights and other special standards.

Sections 23-30 – Adds definitions for renewable energy terms being added to the LUO.

Sections 33-74 - Planning Area standards throughout the county limit allowable uses in the various land use categories. The RESP adds either "energy-generating facilities (limited to accessory renewable energy facilities)" or "energy-generating facilities (limited to renewable energy facilities) to the list of allowable land uses depending on the characteristics of the area. Examples of each include:

- Energy-generating facilities (limited to accessory renewable energy facilities) are appropriate in residential areas such as.
  - Spanish Camp
  - Almira Park
  - Shandon
  - Cienega Valley
  - Oso Flaco area

- Energy-generating facilities (limited to renewable energy facilities).
  - Commercial service and Industrial designations along Highway 101 from Wellsona to Exline Rds.

Project Notice

The Commission has discussed the potential for providing some type of notice to property owners in a project area. The primary difference between a MUP and a Site Plan review is the notice of hearing sent to property owners in the MUP process and the conduct of the public hearing itself.

Table 1
Process Comparison

Process Step	Site Plan Review	Minor Use Permit	Conditional Use Permit
Pre-application meeting	✓	✓	✓
Application packet	✓	✓	✓
Referrals to Agencies	✓	✓	✓
Special Reports (e.g. Biological, Archaeological)	✓	✓	✓
Peer Review of Special Reports	X	X	X
Environmental Review	✓	✓	✓
Public Hearing Notice	**X**	✓	✓
Appeal	✓	✓	✓

Staff offers two possible methods to address this issue:

Posting the property: An 81/2" x 11" notice is posted in a conspicuous place on the site adjacent to public rights of way before the application is approved. The Notice would have the property address, a project description a contact person and contact number for additional information.

However, this is not a very effective way to notify interested persons of the project as these are rural areas where the residential lots are spread out. Posting the property is used in urban areas where passersby and neighbors can easily see the posting.

Notice at Application: If the Commission seeks to give neighboring owners the opportunity to weigh in on the proposed project, contact could be made with adjacent property owners at the beginning of the process when their input can play a more important role in the review of the application, especially when the process does not conclude with a public hearing. A similar process is used to

inform neighboring property owners of impending special events at rural properties such as wineries. Adjacent owners are informed of the pending application with a project description, a contact person and contact number. The neighboring owners have an opportunity to deal directly with the applicant before the application enters the public process.

Supplemental Staff Report

A supplemental staff report will be delivered to your Commission and available on the web page by Friday February 20, 2015. The supplemental staff report will include all the exhibits need for the Commission to adopt the RESP (and which the Commission has seen in previous reports):

1. CEQA Findings
2. General Findings
3. Amendments to the General Plan
4. Amendments to the Land Use Ordinance
5. Amendments to the Rules of Procedure

Staff will also provide alternatives to the RESP as currently proposed. Alternatives may include fewer streamline eligible tiers, smaller RE combining designation, property owner notice requirements and other possible revisions based on past Commission discussions and public testimony.

Feb. 6, 2015

Dear Commissioners,

Pursuant to my testimony at yesterday's hearing on the RESP, and your discussion at the next RESP hearing on February 26, I would like to clarify and respond to a few points regarding the inclusion of potential habitat for sensitive species in the permit streamlining process.

Mr. Keith provided the theoretical example of a survey for red-legged frogs, stating that if a proposed RE site was found to have "a pond nearby and there's foraging habitat on site, that would probably kick it out of the streamlining."

This not the case with the RESP as currently proposed. Rather, if there were a nearby pond and foraging habitat – i.e. potential habitat for that threatened species but no frogs found on site, it would be eligible to be included in the streamlining process, not required to be excluded.

Mr. Caruso asked, "If there isn't a sensitive species on the site, what are we worried about?"

I reproduce below the relevant text from the 2010 report of the GEOS Institute and Local Government Commission, "Integrated Climate Change Adaptation Planning in San Luis Obispo County," as I cited in my testimony (emphases added):

> Many important strongholds for threatened and endangered species are **not** protected and are **not** included in critical habitat designations. Critical habitat needs to be revisited and revised to include these areas as well as buffers for climate change **range shifts.**
>
> Climate change may make marginal farmland available for conversion to coastal wetlands or native grasslands. Topographic complexity provides climate change refuges for species across the County as they **shift to new areas**. Many areas are currently available for providing **buffers** and **connectivity** for natural ecosystems (primarily on private land), but **these areas could be lost to development** if new policies and approaches are not quickly instituted with climate change in mind.

Full report at
http://www.lgc.org/wordpress/docs/adaptation/slo/NatSystReview_03_03_2010opt.pdf

This is the argument for leaving the word "potential" in front of "sensitive species habitat" in the RESP as a disqualification for the streamlining process, ensuring that development proposals for such lands get a full review and a public process, in which issues such as those raised by the LGC report – including potential for conversion to wetlands or grasslands, incentives for climate change easements on private property, regional analysis of potential buffers and corridors and a better understanding of how and where species will move -- can be

fully vetted. The RESP provision in question has the potential to work against or foreclose such potential conversion, incentives, analysis and understanding.

For the County to retain these options as necessary for climate change adaptation planning, your Commission must retain “potential habitat” in the RESP as a bar to consideration for streamlining.

Andrew Christie, Director
Santa Lucia Chapter

To: San Luis Obispo County Planning Commission
Date: February 17, 2015
Re: Feb. 5 hearing, Agenda Item #4,
Renewable Energy Streamlining Program. Continued to Feb. 26 hearing,
not yet agendized.

Members of the San Luis Obispo County Planning Commission have an unusual opportunity to hold a vision of decreasing our county carbon footprint in as many ways as possible.

One of methods would be focusing on CO_2 sequestration. by encouraging livestock producers to use rotational grazing, farmers and gardeners to use no-till methods. Research has shown that this management change has the potential for an area to be a model of CO_2 mitigation. This would be especially effective in our county with our large proportion of grazing land using the natural ability for soil and plants to sequester carbon by being rotationally grazed by livestock.

Since 1976, my husband and I have been interested in lightening our carbon footprint and improving the soil on our 10-acre place on Jespersen Rd near the SLO Airport. We went to solar power about 10 years ago. We have raised a mix of livestock or only cattle, gardened and composed organic waste making compost for our land. In 2002 we began experimenting with paddock or Holistic Management of our pastures and became even more convinced after visiting a managed pasture ranch in Zimbabwe.

We then found with an application of compost, we had even more improvement in the indicators of increased carbon sequestration. Even imperfectly done, on a smaller than ideal scale, this pasture rotation appears to have helped us retain more rainwater in our soil. Our pastures are lush and last longer during the dry season, which is consistent with findings of the professional researchers.

We are participating in a CO_2 Sequestered Measuring Project by Peter Donovan of Soil Carbon Challenge, (PO Box 393, Enterprise, OR 97828). Donovan has mapped several locations in SLO County, including pasture locations at Cal Poly. He is mapping many locations for sequestered CO_2 increase, as well as control plots, on a three-year cycle in many areas around the globe.

Anti-cattle and anti-livestock folks may bristle, yet experience in many areas of the world have shown that rotationally managed grazing, Holistic Management, or mob grazing is proving to be successful in increasing our capacity to hold water in soil. This statement would not be true for CAFOs (concentrated animal feeding operations).

Peter Byck's created the film "Carbon Nation" a few years ago (available on Netflix). Peter connected with John Wicks of the Marin Carbon Project and then with Tim LaSalle

while Tim was on the East Coast as CEO at the Rodale Institute. For 34 years, Rodale has collected soil carbon data related to sequestration in farming systems. The Marin Carbon Project has peer reviewed data under Wendy Silver's leadership at UC Berkeley that shows if grazing land is dusted with compost or inoculated with compost tea and then combined with properly managed grazing for short-time high-impact exposure with cattle, there is a ton (yes, 2,000 pounds) of carbon (7,340 pounds of CO_2) is absorbed per acre annually from the atmosphere and sequestered in the soil. This is the process that lowered CO_2 levels from Earth's ancient past to make it livable, moderating temperatures, and weather and providing enough O_2 for our life forms.

The Marin Carbon Project's numbers match the levels the Rodale Institute showed in peer-reviewed work in their specific organic farming systems. Recently, Dave Johnson, a scientist at New Mexico State University, is showing even higher numbers than Rodale, thus indicating the critical nature of the fungi-to-bacterial ratios in compost that is key to robust sequestration. Recent research shows compost spread even once over grazing – a biological kick-starter for carbon capture – increases climate mitigation and watershed yield.

The critical levels of CO_2 in the atmosphere cannot be fixed with only emission reductions. Project ***Draw Down:*** *the turning point for humanity and climate change,* has compiled the sequestering information and which will soon result in an upcoming book by Dr. Paul Hawken. Drawing down atmospheric CO_2 is pivotal if there is to be a future for our civilization. Without engaging the only technology available in turning the legacy numbers of CO_2 around, which is photosynthesis – taking CO_2 from the atmosphere and making CHO (carbohydrate) into many forms of carbon compounds that can be kept for short to long terms – assisting soil fertility and water-holding capacity resulting in more plant growth.

Drawdown is a mirror held up to the world about what "we" are doing about greenhouse gases, with the underlying motto that if it is happening, it is possible. Project Drawdown is a broad coalition of researchers, scientists, graduate students, PhDs, post-docs, policy makers, business leaders and activists to assemble and present the best available information on climate solutions, to describe their beneficial financial, social and environmental impact over the next thirty years.

Drawdown creates a realistic, optimistic and empowering view of our climate future. There are three paths to drawdown: reduce greenhouse gas emissions into the atmosphere through efficiency and resource productivity; replace existing energy sources with low carbon renewable energy; and bio-sequester carbon dioxide through innovative farming, grazing and reforestation practices.

In the last few days, there was an intensive internet conference session funded by California donors that brought together 40 researchers (including Tim LaSalle and those

mentioned above) from across the country. Explore current research and what policy shifts need to transpire to utilize the natural sun-powered technology of photosynthesis to guide us back to atmospheric levels of CO_2 that are manageable for a possible future for civilization.

As we know, water-holding capacity in California is in trouble and will be more so if climate predictions hold. Proper range management can increase watershed capacity, water yield, photosynthesis, carbon capture and many more benefits. Cities need good grazing in their watersheds, the carbon cycle needs to be better understood. Industrial agriculture and continuous grazing models need to be revolutionized. An example of this type of needed change is San Luis Airport working with Anne DeFeyter "the Goat Girl" and her Central Coast Green Goats with controlled grazing for weed abatement, which has many more benefits than just controlling weeds. Cal Poly also uses goats extensively for weed abatement.

Rebecca Burgess, who heads up Fibersheds (www.fibershed.org), participated in the recent CO_2 internet conference. This impressive program is developing a carbon sink/natural fiber project, where every piece of natural fiber – wool, cotton, flax, etc. – can be a *sequesterer* of carbon. This is in contrast to the current practice of industrial fertilizer-based farming or poor grazing practices and artificial fibers, which are usually petroleum based. This illustrates the more complex but **crucial shift.** We need to be looking toward and for ways to **create products that keep carbon out of the atmosphere.**

Besides Byck's film "Carbon Nation," He has a web-based grazing film called "Carbon Cowboys" at this site:
http://www.carbonnationmovie.com/about/clips/225-new-video-soil-carbon-cowboys

Peter Byck is also working with six university researchers and about 80 rancher's grazing lands in eight bio-regions. He will have even more data incorporated into a new film. This set of data will give us deeper insights into the biomass increases (carbon, soil cover, and thus water) that can occur in good management.

Grazing lands and how they are valued by the Planning Commission, society, ranchers, water users, and others is key. Grazing lands are often viewed as static bio-regions or simply resources to be developed into something of "higher use." In today's climate and water-challenged world, what is any higher use than pulling our legacy CO_2 from the atmosphere and increasing the water yield of our watersheds?

Conventional land use with tillage disturbs the soil and creates CO_2 loss. Degraded soil with impermeable surfaces creates water run-off and loss of soil, water and nutrients.

Tim LaSalle, former Cal Poly President Julian McPhee's grandson, has also presented you with much of this information (in his letter to you), from his first

hand experience. He is a remarkable resource for San Luis Obispo County and will be able to answer questions. He has worked closely with this CO_2 sequester issue for many years, in several areas of the world. His contact information is 805-234-3448, tim.lasalle@gmail.com**.**

Thank you for your consideration of this information that could help San Luis Obispo County be a front-runner in making notable progress with mitigating the increasing CO_2 problem and be a model for other counties.

I hope you will seriously consider this little or no cost Vision and make thoughtful planning decisions and recommendations that encourage progressive farming and rotational grazing practices thus leading SLO County to markedly increase its levels of carbon sequestration.

I feel that any streamlining on planning needs to include process for public comment.

Respectfully,

Phyllis Davies
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To: San Luis Obispo County Planning Commission

Re: Exemption for Discretionary Review for Development Permits

I know this may cause those with an anti-cattle view to bristle, but rotational managed grazing some would name as Holistic Management or mob grazing is proving essential to our capacity to address climate change. This statement does not hold true for CAFOs (concentrated animal feeding operations). Fairly recent research holds even more promise with compost spread one time over grazing land used as a biological kick-starter for carbon capture – thus meaning climate mitigation and water shed yield increases.

Peter Byck created a film a few years ago available on Netflix titled Carbon Nation. He connected with John Wicks of Marin Carbon Project and then with me while I was on the East Coast at the Rodale Institute with our soil carbon data in farming systems about sequestration. The Marin Carbon Project has peer reviewed data under UC Berkeley's Wendy Silver leadership that shows if grazing land is dusted with compost the biology will be kick started and then combined with properly managed grazing for short time high impact exposure with cattle there is a ton (yes 2,000 pounds) of carbon (7,340 pounds of CO_2) that will be absorbed from the atmosphere and sequestered in the soil.

Their numbers match the levels we showed in peer-reviewed work in specific organic farming systems at Rodale. Now a scientist, Dave Johnson, at NMSU is showing even higher numbers than we had indicating the critical nature of the fungi to bacterial ratios in compost that is the real key to robust sequestration.

The last few days I have just spent intensive work session with about 40 people from across the country (including those mentioned above) focusing on soil carbon and the current data, data sharing among the now many doing this research, and funders. The critical levels of CO2 in the atmosphere cannot be fixed with only emission reductions. So *drawing down* the CO2 - a new book title by Paul Hawken that will be coming out soon - is a pivotal necessity regarding civilization's possible future. Without engaging the only technology available to turning those legacy numbers of CO_2 around is photosynthesis - taking CO_2 from the atmosphere combined with water and making CHO (carbohydrate) into many forms of carbon compounds that can be kept for short to long terms where it assists soil fertility, water holding capacity, water retention, etc.

This brings us to water holding capacity in a state that is in trouble and will be if climate predictions hold. Proper range management can increase watershed capacity, water yield, photosynthesis, carbon capture, etc. Cities need good grazing in their watersheds - the carbon cycle needs better understanding, and industrial agriculture and continuous grazing models need revolutionizing.

A young lady, Rebecca Burgess, who is heading up a program on Fibersheds (www.fibershed.org)was also a part of this group. I was very impressed with the project in that they are developing a carbon sink based natural fiber effort where every piece of natural fiber - wool, cotton, flax, etc. can be a *sequesterer* of carbon, not the current

practice of industrial fertilizer based farming or poor grazing practices --- of course artificial fibers are usually petroleum based - a real carbon emitter. This illustrates the more complex but crucial shift we need to be looking to for ways to produce products that take carbon out of the atmosphere, from food to retrofitting buildings, etc.

You may enjoy Peter's film *Carbon Nation*, or a web based grazing film called Carbon Cowboys at this site:
http://www.carbonnationmovie.com/about/clips/225-new-video-soil-carbon-cowboys

His new film will not be out for awhile, but six university researchers and about 80 rancher's range lands in about 8 bioregions will have even more data soon. This set of data will be very robust giving us all deeper insights into the biomass increases (carbon, soil cover, and thus water) that can occur in good management.

Grazing lands and how they are valued by the planning commission, society, ranchers, water users, etc. are often viewed as static bio-regions or simply resources to be developed into something of "higher use." In today's climate and water challenged world what is any higher use than pulling our legacy CO_2 from the atmosphere and increasing the water yield of our watersheds? It is certainly not changing the land use where disturbing the soil creates CO_2 loss and hard surfaces create water run-off and loss.

Thanks for your consideration.

Tim LaSalle, PhD
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From: "Holly Sletteland" <hslettel@calpoly.edu>
To: <rhedges@co.slo.ca.us>
Date: 02/23/2015 09:37 AM
Subject: Comments for Planning Commission

I gather that the Renewable Energy Streamlining Program (RESP) is being heard at the Planning Commission this coming Thursday. I have already submitted comments, but I would like to submit a postscript.

Renewable energy is gaining momentum in California and elsewhere, which is a very good thing. Our climate problems are severe and urgent, demanding immediate solutions. I know the intent of this program is to speed up the transition from fossil fuels to renewable energy sources and I applaud that goal. However, I am also keenly aware that just because energy is clean, doesn't mean it doesn't have environmental impacts. We've learned the hard way from the wind farms at Altamont Pass slicing up raptors and bats, to the mega-solar farms in the Mojave Desert bulldozing cacti, running over desert tortoises and incinerating birds.

I realize that the RESP program is trying to minimize environmental impacts, but I don't think it's trying hard enough. Erring on the side of caution – encouraging smaller installations on rooftops and providing transparency and discretionary review on larger industrial projects – can only result in fewer unintended consequences and a higher success rate over all. Both solar and wind technology are evolving rapidly, overcoming previous problems but also undoubtedly presenting new challenges. Let's make sure that we implement the technology best suited for a given site with the fewest impacts possible. We risk a public backlash and deceleration in adoption of renewables if streamlining results in unforeseen problems and/or the public feeling left out of the process.

On a completely separate note, I oppose the Niner Wine Estates request for "Modification of the ordinance standard limiting a restaurant to 800 sf to allow 3,400 sf restaurant; c. Modification of the ordinance standard to allow the restaurant to remain open until 9 p.m., 7 days per week, hours beyond the tasting room hours of 10 a.m. to 5 p.m." We live just a couple of miles away. The proposal will result in more traffic, more noise and more water use in a severely over drafted basin. It also sets a dangerous precedent and will encourage more commercialization and overdevelopment in rural parts of the North County. This is leading to push-back in Napa and Sonoma, and it's just a matter of time before it happens here:

http://www.sonomacountygazette.com/cms/pages/sonoma-county-news-article-3593.html

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